



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

999 18th STREET - SUITE 300
DENVER, COLORADO 80202-2466
<http://www.epa.gov/region08>

December 23, 2003

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John Melgaard, Owner
Meadow Springs Service and Improvement District
P.O. Box 2408
Gillette, Wyoming 82717

Re: Administrative Order
Docket No. **SDWA-08-2004-0009**
Meadow Springs Service and
Improvement District
PWS ID #5601507

Dear Mr. Melgaard:

Enclosed you will find an Administrative Order (Order), which the Environmental Protection Agency (EPA) has issued under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. Section 300f et seq. and its implementing regulations. Among other things, the Administrative Order finds that Meadow Springs Service and Improvement District is a public water system as defined by the SDWA and that you have violated the National Primary Drinking Water Regulations (NPDWRs) at 40 CFR §§ 141.26(a)(1), 141.23(d), 141.86, 141.201, and 141.31(b) for: failure to monitor for radioactivity; failure to monitor for nitrate; failure to monitor for lead and copper; failure to provide public notice of the violations; and failure to report NPDWR violations to EPA within 48 hours of discovering the violations.

If you comply with the enclosed Order for a period of at least twelve months, EPA may choose to close the Order. Violating the enclosed Order may lead to (1) a penalty of up to \$27,500 per day of violation of the Order, (2) a separate such penalty for violating the regulations themselves, and/or (3) a court injunction ordering you to comply.

Also enclosed is a Small Business Regulatory Enforcement and Fairness Act (SBREFA) Section 22 information sheet. The SBREFA sheet notifies small businesses of their right to comment on



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regulatory enforcement activities, and provides information on compliance assistance. Dissemination of this information sheet does not constitute an admission or determination by EPA that the business, organization or governmental jurisdiction is a small entity as defined by SBREFA.

Please note that the effective date of the enclosed Order is the date of issuance. Within the next 10 days, please provide EPA with any new information that you believe the Agency is not aware of relating to the alleged violations in the Order. The information can be sent to Jackson Naftel at the address on the letterhead, include the mailcode 8ENF-W, or you may call Mr. Naftel at (303) 312-6362. If you wish to have an informal conference with EPA, you may also call or write Mr. Naftel. If you are represented by an attorney, please feel free to have your attorney call Amy Swanson at (303) 312-6906.

We urge your prompt attention to this matter.

Sincerely,

SIGNED

Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosures
Order
Public Notice Template
SBREFA

cc: Dave Stueck, Operator
Larry Robinson, WY DEQ
Dr. Karl Musgrave, WDH





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8
999 18TH STREET - SUITE 300
DENVER, CO 80202-2466
Phone 800-227-8917
<http://www.epa.gov/region08>

December 23, 2003

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Campbell County Commission
c/o Craig Mader, Chair
500 South Gillette Avenue
Gillette, Wyoming 82716

Re: Notice of Safe Drinking Water
Act Enforcement Action against
Meadow Springs Service and
Improvement District
PWS ID #WY5601507

Dear County Commissioners:

Pursuant to Section 1414(a)(2)(B) of the 1996 amendments to the Safe Drinking Water Act (SDWA), the Environmental Protection Agency (EPA) is required to notify an appropriate locally elected official of any action taken in a State that does not have primary enforcement authority for public water systems. The State of Wyoming does not have primary enforcement authority for public water systems under the SDWA.

An Administrative Order is being issued under Section 1414 of the SDWA to Meadow Springs Service and Improvement District located in Campbell County, Wyoming. This Order requires that the public water system take measures to return to compliance with the SDWA and the National Primary Drinking Water Regulations (NPDWRs). The System is in violation of 40 C.F.R. §§ 141.26(a)(1), 141.23(d), 141.86, 141.201, and 141.31(b) for: failure to monitor for radioactivity; failure to monitor for nitrate; failure to monitor for lead and copper; failure to provide public notice of the violations; and failure to report NPDWR violations to EPA within 48 hours of discovering the violations.

A copy of the Order is enclosed for your information. The Order does not require any response or action by the County Commission. If you have any questions regarding this Order, please contact Jackson Naftel at (303) 312-6362.

Sincerely,

SIGNED

Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosure
Order



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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

IN THE MATTER OF)	
)	
Mr. John Melgaard, Owner)	
Meadow Springs Service and)	
Improvement District)	
Gillette, Wyoming)	
)	
Respondent)	
)	ADMINISTRATIVE ORDER
Proceedings under Section 1414(g))	
of the Safe Drinking Water Act,)	
42 U.S.C. § 300g-3(g))	Docket No. SDWA-08-2004-0009
)	

The following Findings are made and Order issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency ("EPA") by Section 1414(g) of the Safe Drinking Water Act ("the Act"), 42 U.S.C. § 300g-3(g), and its implementing regulations, as properly delegated to the Supervisors of the Technical and Legal Enforcement Programs of the Office of Enforcement, Compliance and Environmental Justice, EPA Region 8.

FINDINGS

1. John Melgaard (Respondent) is an individual and therefore a "person" within the meaning of 40 C.F.R. § 141.2.
2. Respondent owns and/or operates a system, the Meadow Springs Service and Improvement District (the System),



located in Campbell County, Wyoming, for the provision to the public of piped water for human consumption.

3. The Meadow Springs Service and Improvement District Water System has at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents and is therefore a "public water system" within the meaning of Section 1401(4) of the Act, 42 U.S.C. § 300f(4), and a "community water system" within the meaning of 40 C.F.R. § 141.2.
4. Respondent owns and/or operates a public water system and is therefore a "supplier of water" within the meaning of Section 1401(5) of the Act, 42 U.S.C. § 300f(5) and 40 C.F.R. § 141.2. Respondent is therefore subject to the requirements of Part B of the Act, 42 U.S.C. § 300g, and its implementing regulations, 40 C.F.R. Part 141.
5. According to an August 20, 2003 sanitary survey by an agent for EPA, Respondent operates a system that is supplied solely by a ground water source consisting of one well. The system serves approximately 25 persons daily, through 12 service connections.

FINDINGS OF VIOLATION



I.

1. 40 C.F.R. § 141.26(a)(1) requires community water systems to conduct initial monitoring of the water consisting of four consecutive, quarterly samples to determine compliance with the maximum contaminant level (MCL) for radioactivity, as stated in 40 C.F.R. § 141.15.
2. Respondent failed to collect and analyze samples during the 3rd and 4th quarters of 2002 and 1st and 2nd quarters of 2003, in violation of 40 C.F.R. § 141.26(a)(1).

II.

1. 40 C.F.R. § 141.23(d) requires public water systems to monitor annually for nitrate to determine compliance with the nitrate MCL as stated in 40 C.F.R. § 141.62(b).
2. Respondent failed to monitor for nitrate in 2002, in violation of 40 C.F.R. § 141.23(d).

III.

1. 40 C.F.R. § 141.86 requires community and non-transient, non-community water systems to monitor tap water for lead and copper during the six-month compliance period from July 1, 2002 - December 31, 2002.



2. Respondent failed to monitor for lead and copper during the period July 1, 2002 - December 31, 2002 in violation of 40 C.F.R. § 141.86.

IV.

1. 40 C.F.R. § 141.201 requires owners and/or operators of public water systems to notify the public of any National Primary Drinking Water Regulation (NPDWR) violations, including violations of the MCL, maximum residual disinfection level (MRDL), treatment technique (TT), monitoring requirements, and testing procedures in 40 C.F.R. Part 141.
2. Respondent has not provided public notice of the noncompliance detailed in the preceding Sections I and II of this Order, in violation of 40 C.F.R. § 141.201.

V.

1. 40 C.F.R. § 141.31(b) requires public water systems to report any failure to comply with any National Primary Drinking Water Regulation (40 C.F.R. Part 141) to EPA within 48 hours.
2. Respondent failed to report to EPA the noncompliance detailed in Sections I through IV of this Order, in violation of 40 C.F.R. § 141.31(b).



ORDER

Based on the foregoing Findings, and pursuant to Section 1414(g) of the Act, IT IS ORDERED:

1. As of the effective date of this Order Respondent shall comply with the requirements for radioactivity monitoring as stated in 40 C.F.R. § 141.26(a)(3). Respondent has completed the initial four consecutive quarters of radioactivity monitoring. Respondent shall next monitor the water for radioactivity in 2007 as required by 40 C.F.R. § 141.26(a)(3). Respondent shall report the results to EPA within the first 10 days following the month in which analytical results are received, as required by 40 C.F.R. § 141.31(a).
2. Before January 1, 2004 and annually thereafter, Respondent shall comply with the annual nitrate monitoring requirements as stated in 40 C.F.R. § 141.23(d) to determine compliance with the nitrate MCL appearing at 40 C.F.R. § 141.62(b). Respondent shall report analytical results to the State and EPA within the first 10 days following the month in which sample results are received, as required by 40 C.F.R. § 141.31(a).



3. Upon the effective date of this Order, Respondent shall comply with the lead and copper monitoring requirements as stated in 40 C.F.R. § 141.88. Respondent shall next monitor the water for lead and copper between June and September of 2006. Respondent shall report results and other information to EPA within the first 10 days following the end of each applicable monitoring period, as required by 40 C.F.R. § 141.90(a).
4. No later than thirty days from the effective date of this Order, Respondent must provide public notice of the violations specified in paragraphs I and II under the Findings of Violations in this Order to return to compliance with 40 C.F.R. §§ 141.201, 141.204 and 141.205. Specifically, Respondent must provide public notice of the failure to monitor for Radionuclides and Nitrate in accordance with 40 C.F.R. § 141.204. Public Notice must be given by any one of the following methods: (1) mail or other direct delivery to each customer receiving a bill and to other service connections to which water is delivered by the public water system; AND (2) any other method reasonably calculated to reach other persons regularly served by the system, if they would not normally be reached by



the notice described above, such as publication in a local newspaper, delivery of multiple copies for distribution by customers that provide their drinking water to others, posting in public places served by the system or on the Internet, or delivery to community organizations. If the public notice is posted, the notice must remain in place for as long as the violation or situation persists, but for no less than seven days. The public water system must repeat the notice every three months as long as the violation or situation persists. Upon the effective date of this Order, Respondent shall comply with the public notification requirements at 40 C.F.R. § 141.201 et seq. following any future NPDWR violation. Respondent shall submit a copy of the public notice to EPA within 10 days of completion of the public notice, as required by 40 C.F.R. § 141.31(d).

5. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.31(b) by reporting any failure to comply with any National Primary Drinking Water Regulation (40 C.F.R. Part 141) to EPA within 48 hours.



6. Reporting requirements specified in this Order shall be provided by certified mail to:

Jackson Naftel
U. S. EPA Region 8 (8ENF-W)
999 18th Street, Suite 300
Denver, Colorado 80202-2466

GENERAL PROVISIONS

1. This Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. § 141.1 et seq., or the Safe Drinking Water Act, which remain in full force and effect. Issuance of this Order is not an election by EPA to forgo any civil or criminal action otherwise authorized under the Act.
2. Violation of any term of this Order, in an action instituted under Section 1414(g)(3)(A) of the Act, 42 U.S.C. § 300g-3(g)(3)(A), may subject the Respondent to an administrative civil penalty of up to \$25,000 per day of violation, under Section 1414(g)(3)(B) of the Act, 42 U.S.C. § 300g-3(g)(3)(B), or a civil penalty of not more than \$27,500 per day of violation, assessed by an appropriate U.S. District Court under Section 1414(g)(3)(C) of the Act, 42 U.S.C. § 300g-3(g)(3)(C).
3. Violation of any requirement of the SDWA or its implementing regulations, in an action instituted under



Section 1414(b) of the Act, 42 U.S.C. § 300g-3(b), may subject Respondent to a civil penalty of not more than \$27,500 per day of violation, assessed by an appropriate U.S. District Court under Section 1414(b) of the Act, 42 U.S.C. § 300g-3(b).

4. The effective date of this Order shall be the date of issuance of this Order.

Issued this 23RD day of December, 2003.

Michael T. Risner

Michael T. Risner, Director
David J. Janik, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

SIGNED

Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

IF YOU WOULD LIKE COPIES OF THE ATTACHMENTS, PLEASE CONTACT THE REGIONAL HEARING CLERK.

THIS DOCUMENT WAS FILED IN THE RHC'S OFFICE ON DECEMBER 23, 2003.

